

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH GROS-VENTRE,

Plaintiff,

v.

Civ. No. 17-1089 KG/GBW

R.C. SMITH and
ATTORNEY GENERAL OF
THE STATE OF NEW MEXICO,

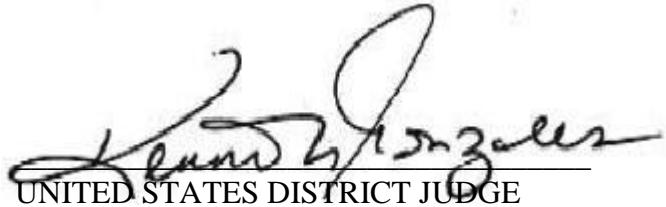
Defendants.

ORDER OF DISMISSAL

This matter comes before the Court upon Petitioner Joseph Gros-Ventre's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus, filed November 2, 2017. (Doc. 1). Petitioner is incarcerated at the Lea County Correctional Facility. He challenges his state court convictions for voluntary manslaughter, aggravated battery, and tampering with evidence. (Doc. 1). By an order entered November 8, 2017, the Court denied Petitioner's Motion to Proceed *In Forma Pauperis* and directed him to pay the \$5.00 filing fee for this action by December 8, 2017. (Docs. 2, 4). The Court warned that failure to comply may result in dismissal of this action without further notice. (Doc. 4).

Petitioner did not pay the filing fee or otherwise respond. The Court will therefore dismiss this action under Fed. R. Civ. P. 41(b) for failure to prosecute and comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the ... court's orders.").

IT IS ORDERED that Joseph Gros-Ventre's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus, filed November 2, 2017 (Doc. 1), is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and comply with the Court's Order.



UNITED STATES DISTRICT JUDGE